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10/595,017

12/16/2005

Vassil Panayotov Vassilev

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7590

06/01/2009

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EXAMINER

JIANG, CHEN WEN

ART UNIT

PAPER NUMBER

3744

MAIL DATE

DELIVERY MODE

06/01/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |  |  |
|------------------------------|--------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/595,017 | <b>Applicant(s)</b><br>VASSILEV ET AL. |  |
|                              | <b>Examiner</b><br>Chen-Wen Jiang    | <b>Art Unit</b><br>3744                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20051216</u> .  | 6) <input type="checkbox"/> Other: _____                          |

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## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
2. Regarding claim 1, the phrase "the kind" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "the kind"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
4. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakaguchi (US 2002/0120502).

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Sakaguchi discloses a network system and home appliance connected to a network effectively utilize data collected from home appliances to achieve more effective advertising and sales promotion using the home appliance. The system also can be used in Hotels to monitor the use of refrigerators installed in guest rooms [0006]. Referring to Fig.1, home appliance A 100, home appliance B 110, home appliance C 120, and home appliance X 130 can connect to service center 200 by way of network 400, which is further described in detail below according to a preferred embodiment of the invention. These home appliances can be the same type of appliance or difference types of appliances, in the case of hotel, these appliances are refrigerators within the rooms. Referring to Fig.2, controller 150 provides overall control of the home Appliance such as refrigerator. Display 160 is disposed in the middle of the refrigerator door, for example, and is preferably an LCD. A refrigerator status detector 190 controls bar code scanner 191, infrared sensor 192, and weight sensor 193 to detect changes in conditions inside the refrigerator. That is, infrared sensor 192 and weight sensor 193 detect goods being put into and taken out of the refrigerator, and product information is entered by bar code scanner 191 [0043]. Information stored for each home appliance includes, as shown in Fig.3, consumption data such as what types of products are purchased and put into the refrigerator at what frequency, inventory data such as what types of products are kept for how long in the refrigerator, consumption trends analyzed from the consumption data and inventory data [0045]. In regard to the locations of the elements, there would be no invention in shifting the location of the part to a different position since the operation of the device would not thereby be modified. *In re Japikse*, 86 USPQ 70 (CCPA 1950). Also, there are finite numbers of selectable locations in the refrigerator to install

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the parts to achieve user friendly results. Official notice is taken that structure details are well known in the art in the monitoring system, several examples of prior art are provided below:

Brown et al. (U.S. Patent Number 7,065,501) disclose communication bus system to transfer data information.

Asher et al. (U.S. Patent Number 5,567,926) disclose the measurement of refrigerator temperature and door open/close information.

Dearing et al. (US 2002/0183882) disclose I/O buffer used in the input and output information.

Cenedese et al. (US 2004/0117274) disclose transponder used as the reading device for groceries.

Bodin et al. (US 2003/0144926) disclose a system for inventory control for inventory items having RFID tags. "RFID" means Radio Frequency Identification, a technology for identifying objects by use of an antenna, a transceiver, and a transponder for bi-directional data transmission.

Crisp (U.S. Patent Number 6,751,525) discloses the system automatically detects refrigerator problems and supplies and arranges for repair service.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chen-Wen Jiang whose telephone number is (571) 272-4809. The examiner can normally be reached on Monday-Thursday from 8:00 to 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on (571) 272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chen-Wen Jiang/

Primary Examiner, Art Unit 3744